

Message Text

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ORIGIN AEC-11

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P 231705Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

UNCLAS STATE 209098

E.O. 11652: N/A

TAGS: TECH

SUBJECT: ABCC

REF: (A) TOKYO 12208 (B) STATE 205648

TEXT OF AUDIT ARTICLE IN CONTRACT REFERRED TO IN REF (B) IS
AS FOLLOWS:

ARTICLE B-XV EXAMINATION OF RECORDS

(A) THIS CLAUSE IS APPLICABLE IF THE AMOUNT OF THIS CONTRACT
EXCEEDS DOLS 2,500 AND WAS ENTERED INTO BY MEANS OF NEGOTIATION,
INCLUDING SMALL BUSINESS RESTRICTED ADVERTISING, BUT IS NOT
APPLICABLE IF THIS CONTRACT WAS ENTERED INTO BY MEANS OF FORMAL
ADVERTISING.

(B) THE CONTRACTOR AGREES THAT THE COMPTROLLER GENERAL OF THE
UNITED STATES OR ANY OF HIS DULY AUTHORIZED REPRESENTATIVES
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SHALL, UNTIL THE EXPIRATION OF 3 YEARS AFTER FINAL PAYMENT UNDER

THIS CONTRACT OR SUCH LESSER TIME SPECIFIED IN THE FEDERAL PROCUREMENT REGULATIONS PART 1-20, HAVE ACCESS TO AND THE RIGHT TO EXAMINE ANY DIRECTLY PERTINENT BOOKS, DOCUMENTS, PAPERS, AND RECORDS OF THE CONTRACTOR INVOLVING TRANSACTIONS RELATED TO THIS CONTRACT

(C) THE CONTRACTOR FURTHER AGREES TO INCLUDE IN ALL HIS SUBCONTRACTS HEREUNDER A PROVISION TO THE EFFECT THAT THE SUBCONTRACTOR AGREES THAT THE COMPTROLLER GENERAL OF THE UNITED STATES OR ANY OF HIS DULY AUTHORIZED REPRESENTATIVES SHALL, UNTIL THE EXPIRATION OF 3 YEARS AFTER FINAL PAYMENT UNDER THE SUBCONTRACT OR SUCH LESSER TIME SPECIFIED IN THE FEDERAL PROCUREMENT REGULATIONS PART 1-20, HAVE ACCESS TO AND THE RIGHT TO EXAMINE ANY DIRECTLY PERTINENT BOOKS, DOCUMENTS, PAPERS, AND RECORDS OF SUCH SUBCONTRACTOR, INVOLVING TRANSACTIONS RELATED TO THE SUBCONTRACT. THE TERM "SUBCONTRACT" AS USED IN THIS CLAUSE EXCLUDES (1) PURCHASE ORDERS NOT EXCEEDING DOLS 2,500 AND (2) SUBCONTRACTS OR PURCHASE ORDER FOR PUBLIC UTILITY SERVICES AT RATES ESTABLISHED FOR UNIFORM APPLICABILITY TO THE GENERAL PUBLIC.

(D) THE PERIODS OF ACCESS AND EXAMINATION DESCRIBED IN (B) AND (C), ABOVE, FOR RECORDS WHICH RELATE TO (1) APPEALS UNDER THE "DISPUTES" CLAUSE OF THIS CONTRACT, (2) LITIGATION OR THE SETTLEMENT OF CLAIMS ARISING OUT OF THE PERFORMANCE OF THIS CONTRACT, OR (3) COSTS AND EXPENSES OF THIS CONTRACT AS TO WHICH EXCEPTION HAS BEEN TAKEN BY THE COMPTROLLER GENERAL OR ANY OF HIS DULY AUTHORIZED REPRESENTATIVES, SHALL CONTINUE UNTIL SUCH APPEALS, LITIGATION, CLAIMS, OR EXCEPTIONS HAVE BEEN DISPOSED OF.

(E) NOTHING IN THIS CONTRACT SHALL BE DEEMED TO PRECLUDE AN AUDIT BY THE GENERAL ACCOUNTING OFFICE OF ANY TRANSACTION UNDER THIS CONTRACT. INGERSOLL

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